

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAMUEL L. COX,)	C 10-02318 JF (PR)
)	
Petitioner,)	ORDER OF TRANSFER
)	
vs.)	
)	
SAN QUENTIN WARDEN,)	
)	
Respondent.)	
)	

Petitioner, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging a February 2010 parole hearing. Petitioner has paid the filing fee. Although the hearing took place at the San Mateo County Jail, (Pet. 3), Petitioner is currently confined at the Substance Abuse Treatment Facility in Corcoran of Kings County, which is located within the venue of the Eastern District of California. 28 U.S.C. § 84(b).

Venue in a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

1 Accordingly, this case is TRANSFERRED to the United States District Court for the
2 Eastern District of California, the location of Petitioner's confinement. See 28 U.S.C. §
3 1404(a); Habeas L.R. 2254-3(b)(1).

4 The Clerk shall terminate any pending motions and transfer the entire file to the
5 Eastern District of California.

6 IT IS SO ORDERED.

7 DATED: 8/30/10

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9 JEREMY FOGEL
10 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SAMUEL L. COX,

Petitioner,

v.

SAN QUENTIN WARDEN,

Respondent.

Case Number: CV10-02318 JF

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 8/31/10, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Samuel L. Cox P24837
Substance Abuse Treatment Facility
G-gym 117
P.O. Box 5248
Corcoran, CA 93212

Dated: 8/31/10

Richard W. Wieking, Clerk